IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Wittamer, et al.	Examiner:	Li, Ruixiang
Serial No.:	10/603,566		
Filed:	June 25, 2003	Group Art Unit:	1646
Titled:	"Compositions and Methods Comprising a Ligand of ChemerinR"	Conf. No.:	7945

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the restriction requirement dated July 29, 2005, Applicants elect Group I, Claims 2-4, 10, 20 and 22 for prosecution on the merits, with traverse.

Applicant also elect with traverse, the species of degenerate SEQ ID NO:92 ($TyrPheX_1X_2X_3PheX_4PheX_5$), wherein $X_1X_2X_3$ is ProGlyGln, respectively, X_4-is Ala, and X_5 is Ser in response to the requirement in the event Group I is elected, to select a specific amino acid for X1-X5 of degenerate SEQ ID NO:92.

The Examiner has restricted the invention to the following groups:

- Group I as Claims 2-4, 10, 20, and 22, drawn to a polypeptide comprising SEQ ID NO:92,
- Group II as Claims 5, 6, 10, 20, and 22, drawn to a polypeptide comprising SEQ ID NOS: 61 or 53, and
- Group III as Claims 7-9, 20, and 22, drawn to a polypeptide comprising SEQ ID NO:s 73, 12 and 14.

The examiner states that claim 1 is a linking claim that links inventions I and II.

The examiner states that should Applicant elect Group I, Applicant is required to elect a single disclosed species, i.e. select a specific amino acid for X1-X5 of SEQ ID NO:92.

Applicant notes that the polypeptide of Group I (SEQ ID NO:92) is common to the sequences of all three groups, thus demonstrating the interrelatedness of Groups I-III.

- GROUP I:
  - SEQ ID NO:92 of Group I is a nonomer with a sequence of TyrPheX1X2X3 PheX4PheX5.
- GROUP II:
  - SEQ ID NO:61 of Group II (TyrPheProGlyGlnPheAlaPheSer) is an embodiment of SEQ ID NO:92.
  - SEQ ID NO 53 of Group II is a 19mer, with its last nine amino acids (TyrPheProGlyGlnPheAlaPheSer) being an embodiment of SEQ ID NO:92.
- Group III:
  - Similarly, the last nine amino acids of SEQ ID NO:73 of Group III is also (TyrPheProGlyGlnPheAlaPheSer),
  - Also, the last nine amino acids of SEQ ID NO:14 of Group III is also (TyrPheProGlyGlnPheAlaPheSer),
  - Amino acids 129-137 of SEQ ID NO:12 of Group III is also (TyrPheProGlyGlnPheAlaPheSer),

Applicant notes that degenerate SEQ ID NO:92 (TyrPheXXXPheXPheX) is encompassed by all the sequences recited in the claims of both Groups II and III, as well as the elected Group I. Therefore a search of Group I will necessarily encounter the sequences of Groups II and Group II. In view of the co-extensive searches that Groups I, II and III require, Applicants traverse the restriction of the pending claims into three groups.

Applicant also notes the open language of the claims, i.e., that the claims are drawn to a polypeptide comprising the degenerate amino acid sequence SEQ ID NO:92. Applicant also notes that that the elected species of degenerate SEQ ID NO:92, i.e., the species wherein $X_1X_2X_3$ is ProGlyGln, respectively, X_4-is Ala, and X_5 is Ser, is found in amino acids 129-137 of SEQ ID NO:14 recited in group III, is found in amino acids 129-137 of SEQ ID NO:12 recited in Group III, is found in the last nine amino acids of SEQ ID NO:73 recited in group III, is found in the last nine amino acids of SEQ ID NO:53 recited in group II, and consists of the nonomer SEQ ID NO:61 recited in group II.

Because all three groups recite sequences comprising the elected species, applicant traverse the restriction of the claims into three groups, and respectively request rejoinder of Groups I, II and III.

Applicant also traverses the statement that Claim 1 is a linking claim that links ONLY groups I and II. Applicant contends that claim 1 links Group III to Group I , as well as linking Group II to Group I because claim 1 recites a degenerate sequence encompassed by the sequences recited in the claims of Group III as well as Groups 1 and II.

A petition for time is being filed herewith. Should any additional fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 16-0085, Reference No. 9409/20045B

Respectively submitted,

Date: 10/18/05

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